

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE LEHMAN BROTHERS  
SECURITIES AND ERISA LITIGATION

C.A. No. 09 MD 2017

This Document Applies To:  
*In re Lehman Brothers ERISA Litigation*,  
C.A. No. 08 Civ. 5598 (LAK)

**NOTICE OF PLAINTIFFS' MOTION TO ALTER OR AMEND THE  
JUDGMENT AND FOR LEAVE TO AMEND THE CONSOLIDATED  
AMENDED COMPLAINT**

**TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:**

NOTICE IS HEREBY GIVEN THAT, Plaintiffs will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, on such date as the Court will determine, in Courtroom 12D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007: (i) to alter or amend the Court's Judgment dated February 3, 2010, as amended on February 5, 2010, to provide that the dismissal of Plaintiffs' Consolidated Amended Complaint is without prejudice; and (ii) for an order granting leave to file an amended complaint pursuant to Federal Rule of Civil Procedure 15(a).

This Motion is supported by the accompanying Memorandum of Law, the accompanying Declaration of Daniel W. Krasner and the exhibits annexed thereto, all of the prior pleadings and proceedings had herein, and such other written and/or oral argument, as may be presented to the Court.

Dated: March 3, 2010

*Respectfully submitted,*

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